UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/833,607
Filing Date: April 13, 2001
Appellant(s): NIELSEN ET AL.

Chad L. Thorson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/15/07 appealing from the Office action

mailed 2/23/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,209,009 B1   SCHWARTZ   3-2001

Wentges, Gabriele. "Up & Running with Windows 3.0" Sybex Inc., 1990, pp. 51-55

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6, 209, 009 B1 (Schwartz et al.), herein referred to as Schwartz.

Referring to claim 10, Schwartz discloses a mobile terminal with a browser

display means where information elements are displayed on the display of the mobile

terminal (column 1, lines 17-20). Schwartz even further discloses that information

elements that are displayed include elements that are longer than the width of display

screen of the mobile terminal. Schwartz does disclose continuous length items and

wrapped length items displayed in a menu. Schwartz discloses how text is displayed as

wrapped length and text is displayed in continuous text formats in a portable device.

The text elements described in Schwartz include a continuous length item presenting

text in a length, which is greater than a horizontal size of the display of the portable

device. Schwartz also describes text that is of wrapped length, the text being less than

the horizontal size of the display. See column 1, line 37 to column 2, line 12. Although

Schwartz does not disclose providing display menu options for the user to toggle from

and choose one of continuous length item option or wrapped length item option, it would

have been obvious for one skilled in the art, at the time of the invention to provide

display options that are selectable for choosing and toggling between continuous length

item or wrapped length item option. Schwartz has clearly taught the two elements and

options of displaying text data in a portable device, where Schwartz merely has not

provided these taught elements as display options in a menu. With Schwartz disclosing

the desired options, and the features related to how wrapped length text and continuous

length text is displayed in a display of a portable device, providing these features in a

menu as a menu option have been obvious.

Referring to claims 11 and 15, Schwartz discloses that the information displayed

is alphanumerical signs (Figure 7).

Referring to claims 12, 16 and 29, Schwartz discloses that the continuous length

element is arranged to be horizontally displayed on the mobile terminal display, where

the single line represents a horizontally displayed element (column 2, lines 8-11), where

the line extending past the right margin of a display represents a horizontal element.

Schwartz also discloses scrolling over the mobile terminal display to allow the user to

view portions of the continuous length element that are not visible on the mobile

terminal display due to continuous length element extending beyond a horizontal

boundary of the mobile terminal display (column 2, lines 8-12).

Referring to claims 13, 17 and 30, Schwartz discloses that the wrapped element

is arranged to split the elements into parts, each of the parts fitting in the size of the

display and to feed parts in a vertical direction over the display, each time a length of

the wrapped length element is greater than a width of the display (Schwartz, Figures 1

and column 1, lines 40-44).

Referring to claim 14, Schwartz discloses a mobile phone terminal with a browser

display means where information elements are displayed on the display of the mobile

terminal (column 1, lines 17-25). Schwartz discloses a display for displaying the

information (column 1, lines 15-17). Schwartz even further discloses that information

elements that are displayed include elements that are longer than the width of display

screen of the mobile terminal. Schwartz does disclose continuous length items and

wrapped length items displayed in a menu. Schwartz discloses how text is displayed as

wrapped length and text is displayed in continuous text formats in a portable device.

The text elements described in Schwartz include a continuous length item presenting

text in a length, which is greater than a horizontal size of the display of the portable

device. Schwartz also describes text that is of wrapped length, the text being less than

the horizontal size of the display. See column 1, line 37 to column 2, line 12. Although

Schwartz does not disclose providing display menu options for the user to toggle from to

choose one of continuous length item option or wrapped length item option, it would

have been obvious for one skilled in the art, at the time of the invention to provide

display options that are selectable for toggling and choosing continuous length item or

wrapped length item option. Schwartz has clearly taught the two elements and options

of displaying text data in a portable device, where Schwartz merely has not provided

these taught elements as display options in a menu. With Schwartz disclosing the

desired options, and the features related to how wrapped length text and continuous

length text is displayed in a display of a portable device, providing these features in a

menu as a menu option have been obvious.

Referring to claim 18, Schwartz discloses a mobile phone terminal for displaying

information via a browser (column 1, lines 17-25). Schwartz discloses a display for

displaying the information (column 1, lines 15-17). Schwartz even further discloses that

information elements that are displayed include elements that are longer than the width

of display screen of the mobile terminal. Schwartz does disclose continuous length

items and wrapped length items displayed in a menu. Schwartz discloses how text is

displayed as wrapped length and text is displayed in continuous text formats in a

portable device. The text elements described in Schwartz include a continuous length

item presenting text in a length, which is greater than a horizontal size of the display of

the portable device. Schwartz also describes text that is of wrapped length, the text

being less than the horizontal size of the display. See column 1, line 37 to column 2,

line 12. Although Schwartz does not disclose providing display menu options for the

user to toggle and choose one of continuous length item option or wrapped length item

option, it would have been obvious for one skilled in the art, at the time of the invention

to provide display options that are selectable for toggling and choosing continuous

length item or wrapped length item option. Schwartz has clearly taught the two

elements and options of displaying text data in a portable device, where Schwartz

merely has not provided these taught elements as display options in a menu. With

Schwartz disclosing the desired options, and the features related to how wrapped length

text and continuous length text is displayed in a display of a portable device, providing

these features in a menu as a menu option have been obvious.

Referring to claims 19-27, Schwartz discloses displaying the menu structure by the

interface on the mobile terminal, where allowing a user to select from the menu having

one of continuous length item and the wrapped length item by providing an input

choosing one of the options through the display menu for indicating the selection of one

of the continuous length item and the wrapped length item (column 1, lines 15-21).

Schwartz discloses that these menu options allow for the user to edit the currently

displayed window, where according to the wrap options provided, selecting one of the

continuous length item and wrapped length item would lead to the displaying of the text

information according to the selection of the display option.

Referring to claim 28, Schwartz discloses a computing system including program

instructions stored in a computer for execution (column 13, lines 35-45). Schwartz

discloses a mobile phone terminal for displaying information via a browser (column 1,

lines 17-25). Schwartz discloses a display for displaying the information (column 1,

lines 15-17). Schwartz even further discloses that information elements that are

displayed include elements that are longer than the width of display screen of the

mobile terminal. Schwartz does disclose continuous length items and wrapped length

items displayed in a menu. Schwartz discloses how text is displayed as wrapped length

and text is displayed in continuous text formats in a portable device. The text elements

described in Schwartz include a continuous length item presenting text in a length,

which is greater than a horizontal size of the display of the portable device. Schwartz

also describes text that is of wrapped length, the text being less than the horizontal size

of the display. See column 1, line 37 to column 2, line 12. Although Schwartz does not

disclose providing display menu options for the user to toggle and choose one of

continuous length item option or wrapped length item option, it would have been

obvious for one skilled in the art, at the time of the invention to provide display options

that are selectable for toggling and choosing continuous length item or wrapped length

item option. Schwartz has clearly taught the two elements and options of displaying text

data in a portable device, where Schwartz merely has not provided these taught

elements as display options in a menu. With Schwartz disclosing the desired options,

and the features related to how wrapped length text and continuous length text is

displayed in a display of a portable device, providing these features in a menu as a

menu option have been obvious.

(10) Response to Argument

Schwartz fails to teach or suggest elements of the independent

claims of the claimed invention.

The claims of the present invention have been interpreted in the broadest

reasonable way. The different length items are provided in a menu as display options,

where the user may toggle or select between these two different options when desired.

The user toggling involves the user accessing one option and selecting, then at another

time accessing the other option to change the selection to the length item which was not

previously chosen. This manner of providing a display option with means for the user to

access these options and select them based on user desire is a process that is clearly

known in field of graphical user interface. For example, this process is a well

established means for accessing display options in Windows word processing

applications in which the user may choose display options based on how the user would

like to view the data. This manner of providing display options and toggling or selecting

means of these display options are known methods for one of ordinary skill in the art.

One of ordinary skill in the art knows to access display options for selection and toggling

in order to display the data in a distinct format. Formatting options are provided in for

example word processing applications for the user to display data as desired. For

example, within the windows notepad application, there is a clear and distinct option

provided for the user to be able to toggle between continuous length and wrapped

length display of text data. Windows 3.0 has been provided as evidence to convey the

well known process of providing display options and how these options are selectable

by the user to display text data in a desired format. Windows 3.0 discloses how a

simple application such as notepad can provide menu options to a user and allow for

the user to select and toggle making selections to format the text data as desired. This

well known and established system disclosed in Windows 3.0 clearly discloses what

would be obvious to one of ordinary skill in the art at the time of the invention.

Furthermore, Windows 3.0 further clearly describes a display option means associated

with display text data in a continuous length format or a wrapped length format (page

52, Table 10.1). This evidence reference was used to convey how providing display

options in a menu format and means for toggling or selecting these display options to

format text data is a well known and established teaching that would be obvious to one of ordinary skill in the art at the time of the invention. See pages 51-53.

Schwartz has clearly disclosed displaying a menu structure with a continuous length item and a wrapped length item. Schwartz obviously does rely on the use of menu options and further recites that menu choices are used for the configuring of the device in Schwartz. This configuring of the device includes configuring of the displayed data in the display of the device. This disclosure that menu choices are used in configuring devices provides a motivation for obviousness for Schwartz to provide display options through such a menu for configuring the device in Schwartz (column 2, lines 54-59).

Schwartz does disclose a displayable menu structure with items that can be selected. These items include selectable continuous length item and wrapped length item. Furthermore, one of ordinary skill in the art knows to provide display options through a menu for formatting displayed data. Therefore providing these length items as display options would have been obvious. In view of Schwartz disclosing these length items, these items clearly conveying two separate display formats, it would have been obvious to one of ordinary skill to provide these options as display options in a menu. Providing display options and means for the user to select and toggle between display options is known in the field of word processing documents and is known to one of ordinary skill in the art. Formatting options for changing the way the displayed data is presented is known, where users of word processing applications know to access

display options from menus, toggle to make selections to display data in a desired and

convenient way.

The final Office Action failed to provide a *prima facie* case with

respect to obviousness.

In view of the teachings in Schwartz and what is well known to one of ordinary

skill in the art, it would have been obvious to take two elements that can affect how a

displayed data is conveyed and presented and provide them as display options in a

menu with means for user selection and access to these display options. Schwartz had

clearly provided these two distinct display options, disclosed the benefits of both the

length items and how the displayed data is presented in both the length item formats.

Furthermore, Schwartz discloses reliance on menu options for configuring devices

which provides a motivation for Schwartz to include menu options for configuring length

item formats that have been taught in Schwartz. In view of the known methods for

providing and selecting formatting data for displaying text in a distinct format, it would

have been obvious that these length item elements that have been taught in Schwartz

would be provided as display options for the user to toggle. It is determined that what is

known to one of ordinary skill in the art as far as formatting and providing display

options is such a well known teaching that Schwartz in combination with this knowledge

of one of ordinary skill in the art would make obvious to provide the length items as

display options for the user to toggle and make selections based on how the displayed

data must be presented.

In view of the disclosure of Schwartz, the present claims would have been obvious because the method of providing display options that can be selected and toggled to display data in a distinct format is a known technique which is within the ordinary capabilities of one skilled in the art. One skilled in the art knows that within the field of word processing applications, providing formatting data as display options and toggling between selections of these display options is done to display text in a distinct format. Therefore, providing the length items of Schwartz which have been indicated as being able to convey text in distinct formats, it would be obvious to use these length items as further display options to be provided to a user.

Schwartz teaches away from the claimed invention.

Schwartz discloses two different display options of displaying text including one where the text is displayed in a continuous fashion and one where the text is wrapped and displayed in multiple lines. Schwartz has provided these display options as two different means through which a user may view data based on the user's preferences. This teaching of two different display options in combination with what is known to one of ordinary skill concerning the formatting of text data, it would be obvious to provide these two options disclosed in Schwartz as display options that can be selected by a user. Schwartz has disclosed how both these options can be used and how the text can be viewed when both the length items are applied to the text. With Schwartz providing a means for displaying both the continuous length items and wrapped length items, it is necessary that both these options be provided as display options with means for toggling and selecting between these two options so that text data can be displayed

in both continuous length item and wrapped length item formats. Therefore, display

options with toggling means would be needed to provide both these options and the

selection means for the user to choose the length item format as desired.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer..
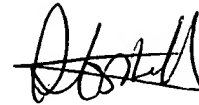
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Namitha Pillai
Patent Examiner
Art Unit 2173
January 3, 2008
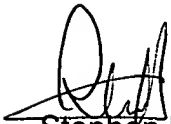
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Step 10

Using the Notepad

In this step, you get acquainted with Notepad, the "little sister" of the Write application. Step 15, which covers Write, builds on what you learn here.

What Notepad Can Do

Notepad (see Figure 10.1) is intended for writing short amounts of text and provides no text-formatting functions other than word wrap. The files that you create in Notepad get the default extension .TXT.

Notepad is a convenient editor for writing and modifying system files, such as WIN.INI, AUTOEXEC.BAT, and CONFIG.SYS. These files can't be saved as formatted documents in the same way as word-processed files.
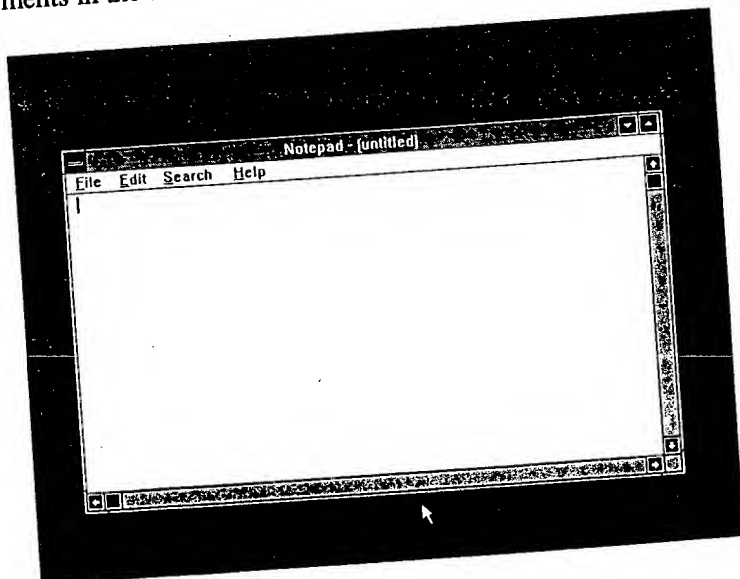

Figure 10.1: The Notepad application

You can also use Notepad to create personal notes and memos.

Menus

In addition to the Control menu and the standard File, Edit, and Help menus, Notepad has a Search menu.

Table 10.1 describes menu options and key functions in Notepad. If you have a mouse, click on the Edit, Help, or Search menu as indicated in the table.

Click	*Press*	*Function*
Edit, Time/Date	Alt-E D or F5	Insert time and date at the insertion point
Edit, Select All	Alt-E S	Select all text
Edit, Undo	Alt-E U or Alt-Backspace	Undo the last change
Edit, Word Wrap	Alt-E W	Turn on/off word wrap
Search, Find	Alt-S F	Input text, and search after pressing Enter
Search, Find, Match Upper/Lowercase	Alt-S F M	Match upper-case/lowercase in searching
Search, Find Next	Alt-S N or F3	Input a search string, then continue search
Help, About Notepad	Alt-H A	Display size of current file

Table 10.1: Mouse and Key Functions in Notepad

Working with Notepad

In Program Manager, you can double-click on the Accessories icon to open the window containing the Notepad icon. Double-click on the Notepad icon to start Notepad.

Opening Notepad

You can edit texts with up to 50,000 characters in Notepad. You can find out the number of characters in your current document by selecting the menu option About Notepad on the Help menu.

Size of files

You can page through text and position the insertion point by using the arrow keys, PgUp and PgDn, and Ctrl-Home or End, or by clicking in the scroll bar.

Paging

You can select parts of text by dragging the mouse pointer over the text or by pressing Shift in tandem with any of the cursor movement keys (↑, ↓, etc.). Choose the Select All command on the Edit menu (or press Alt-E S) to select *all* text in the document. Pressing an arrow key by itself cancels extended selections.

Selecting text

You can edit notes with the help of the Del key and the Backspace key. Pressing the Enter key starts a new line of text. Note that inserted text is not automatically wrapped; it goes off the edge of the screen. When you turn on word wrap, the horizontal arrows at the bottom of the document window disappear.

Editing notes

Inserting the time and date (press F5) makes it much easier to keep track of your notes and scraps of information.

Notepad has fixed tab stops that can't be altered. Press Tab to advance to the next tab stop and Backspace to go backward.

Tabs

To copy large text passages into Clipboard, select the text and then copy it by pressing Alt-E C (or press Ctrl-Ins). You can

Clipboard

paste the contents of Clipboard as often as you like into different places in the Notepad by using Shift-Ins. Or you can paste the contents into other Windows applications.

An Exercise Using Notepad

1. Start Notepad by opening the Accessories group in Program Manager and selecting Notepad.

2. Type the following text. Don't press Enter after each line.

   ```
   Notes from Dr. Calculus' Advanced
   Nuclear Math class, February 12. Topic:
   Fourteen theorems on the behavior of
   titanium alloys in the stratosphere.
   ```

3. The notes are hard to read because the lines extend beyond the right edge of the screen. Click on Word Wrap on the Edit menu (or press Alt-E W). All the words typed so far now appear within the window's borders. As you type more text, a word at the end of a line automatically drops to the next line.

4. The cursor now rests at the beginning of the document. For practice, check to make sure you've mentioned titanium. To search for the word, select Find on the Search menu (or press F3). Enter the word *titanium* in the dialog box. You then see the word highlighted in the Notepad window.

5. Press Ctrl-End to return to the end of the text.

6. Press Enter twice and then Tab twice. Type

   ```
   7.5 * 16 - 440 / 3.2
   ```

7. Press Enter twice and type

    The class couldn't solve

    Be sure to leave a space after *solve*.

8. Use the arrow keys to move the cursor to *7*.

9. Press Shift-End. The highlighting indicates that you've selected the line of arithmetic.

10. You want to copy the characters to another point in your document, not delete them, so click on Copy on the Edit menu (or press Ctrl-Ins). Press any arrow key to unselect the characters.

11. Press Ctrl-End to return to the end of the document.

12. Click on Paste on the Edit menu (or press Alt-E P). The document now ends with the duplicated arithmetic.

13. Select Print on the File menu to print the document.

14. Select Save on the File menu to save the document. Enter the name NOTES in the Save As box. The window's title bar now shows NOTES.TXT.

15. Select Exit on the File menu to leave Notepad.